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## HARLEY v. COMMONWEALTH.

Sept. 28, 1921.

[108 S. E. 648.]

1. **Criminal Law (§ 1092 (8)\*)—Bills of Exceptions, Not Filed within 60 Days after Final Judgment, Not Considered, though Execution on Judgment Was Suspended.**—Bills of exception, not being applied for or obtained within 60 days after final judgment, as required by Code 1919, § 6252, they are not part of the record, and assignment of error based thereon cannot be considered, though execution of the judgment was suspended under section 6338.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 387.]

2. **Criminal Law (§ 951 (4)\*)—Motion to Set Aside Verdict for After-Discovered Evidence Must Be Made at Trial Term.**—The trial court's jurisdiction ends with the term, and it has no power thereafter to set aside a verdict for after-discovered evidence.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 463.]

3. **Criminal Law (§ 1031 (1)\*)—Objection to Sufficiency of Warrant Cannot Be Raised for First Time on Appeal.**—Where no objection was made in the trial court to the sufficiency of the warrant to state the disorderly conduct complained of the objection cannot be raised for the first time on appeal.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 548, et seq.]

4. **Criminal Law (§ 1031 (1)\*)—Venue in Warrant in Prosecutions for Petty Misdemeanors Not Essential.**—In prosecution for disorderly conduct, under Code, § 4533, that venue was not laid in the warrant, no objection being made at the trial court, and no motion made to correct it, under Code 1919, § 4989, is not ground for reversal, especially in view of section 4992, providing for trial without warrant, and section 4990, for trial on appeal without formal pleadings.

Error to Hustings Court of Richmond.

One Harley was convicted of disorderly conduct, and she brings error. Affirmed.

*A. O. Boschen* and *M. J. Fulton*, both of Richmond, for plaintiff in error.

*John R. Saunders*, Atty. Gen., *J. D. Hank, Jr.*, Asst. Atty. Gen., and *Leon M. Bazille*, Second Asst. Atty. Gen., for the Commonwealth.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.